

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**  
**OFFICE OF SPECIAL MASTERS**

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DEAN DAYTON,

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Petitioner,

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No. 06-724V

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Special Master Christian J. Moran

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v.

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SECRETARY OF HEALTH

\*

AND HUMAN SERVICES,

\*

Filed: September 19, 2007

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Respondent.

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Curtis R. Webb, Esq., Webb, Webb, & Guerry, Twin Falls, Idaho, for Petitioner;  
Melonie J. McCall, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

**DECISION<sup>1</sup>**

**MORAN:** Special Master.

On September 14, 2007, the parties filed a joint stipulation concerning the injuries received by Dean Dayton. On October 16, 2006, Mr. Dayton filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10, *et. seq.* His petition sought compensation for allegedly developing an injury diagnosed as brachial neuritis or Parsonage-Turner Syndrome, as a result of receiving the influenza vaccine on November 10, 2003.

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, petitioner has 14 days to identify and to move to delete such information before the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

Respondent denies that Mr. Dayton's injuries were caused by the influenza vaccine. Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

- (a) **A lump sum of \$35,000.00 in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a); and
- (b) **A lump sum of \$9,478.81 in the form of a check payable to Petitioner and petitioner's attorney, Curtis R. Webb,** for attorney's fees and costs; and, in compliance with General Order #9, no out-of-pocket expenses were incurred by petitioner in proceeding on the petition.

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 06-724V in accordance with this decision and the attached stipulation.

Any questions may be directed to Shana Z. Siesser, at (202) 357-6358.

**IT IS SO ORDERED.**

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Christian J. Moran  
Special Master